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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,144	11/06/2001	Joseph P. Lochner	LOJO.81410	8502

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,144	<b>Applicant(s)</b> LOCHNER, JOSEPH P. <i>NE</i>	
	<b>Examiner</b> Davetta W. Goins	<b>Art Unit</b> 2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.    | 6) <input type="checkbox"/> Other: _____                                    |

***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the word "disclosed" in line 2 and the word "means", as in lines 5 and 6, should not be within the abstract. Correction is required.

See MPEP § 608.01(b).

***Claim Objections***

3. Claim 4 is objected to because of the following informalities: In line 8, after the word "first", the phrase "alarm means" should be inserted to follow the sequence of what has been already claimed. In line 9, the claimed "said means" should read, "first alarm means and second alarm means"; to clearly define what the "said means" is referring to. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1,3, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Angelo et al. (US Pat. 6,265,974 B1).

In reference to claim 1, D'Angelo discloses the claimed child locator device comprising a) the claimed remote unit having a controller coupled with a wireless communicating means, which is met by parent unit 22 including a microprocessor 32 and transmitter 33 sending a coded radio frequency signal to child unit 21 (col.4, lines 37-67, col. 5, lines 62-67 and col. 6, lines 1-18), and b) the claimed alarm unit having receiving means for communicating with the communicating means and being coupled with an alarm means, which is met by child unit 21 including a detector receiver 26, and an alarm 34; the child unit 21 receives signals transmitted by the parent unit 22 (col. 4, lines 37-58, col. 5, lines 5, lines 62-67 and col. 6, lines 1-18), c) the claimed alarm unit being adapted to be securedly attached to a child, which is met by the child unit 21 can be affixed to the child by a strap, a bracelet, a wrist band, a hook and loop fastener or other suitable mounting mechanism (col. 4, lines 37-43), and d) the claimed communicating means transmitting a

signal to the receiving means for activation of the alarm means to emit an alarm thereby allowing the child to be located, upon activation of the controller, which is met by the parent unit 22 may trigger the alarm 24 and adjusting the volume of the child unit alarm in the child unit 21 after parent unit 22 determines that the child unit 21 is out of the field proximity (col. 5, lines 62-67 and col. 6, lines 1-18). The child unit 21 includes an alarm 24 which may be set to automatically sound once the parent unit 22 is moved beyond the near field proximity and a confirmation signal is not returned from the parent unit 22 (col. 13, lines 5-15).

In reference to claim 3, D'Angelo discloses the claimed proximity detector means, which is met by the parent unit 22 receives a proximity signal from child unit 21 (col. 5, lines 18-21).

In reference to claim 4, D'Angelo discloses the claimed child locator comprising a) the claimed remote unit having a proximity detector receiving means and a first alarm means, which is met by parent unit 22 including a microprocessor 32 and receiver 34 to determine whether the child unit 21 is outside the near field proximity; the parent unit including an alert warning device 31 (col. 5, lines 62-67 and col. 6, lines 1-18), b) the claimed alarm unit having a proximity detector transmitting means and a second alarm means, the proximity detector transmitting means being capable of communicating with the proximity detector receiving means, which is met by child unit 21 notifying the parent of movement and proximity by sending a coded radio frequency alert signal through the

child unit transmitter 25 to the parent unit receiver 34; child unit including an alarm 24 (col. 5, lines 62-67 and col. 6, lines 1-18), and c) the claimed proximity detector transmitting means activating the first alarm means and second alarm means to emit an alarm from at least one of the first alarm means and second alarm means, in the event the alarm unit exceeds a predetermined distance from the remote unit, which is met by the child unit 21 notifies the parent of movement and proximity by sending a signal to the parent unit receiver 34 and will activate the alert warning device 31 of the parent unit 22 that the child unit is outside the near field proximity (col. 5, lines 62-67 and col. 6, lines 1-18). The child unit 21 includes an alarm 24 which may be set to automatically sound once the parent unit 22 is moved beyond the near field proximity and a confirmation signal is not returned from the parent unit 22 (col. 13, lines 5-15).

In reference to claim 5, D'Angelo discloses the claimed distance control means associated with the remote unit to select the predetermined distance, which is met by the proximity signal can be appropriately adjusted or selected by the proximity adjust switch ZZ to permit adaptation to a particular environment or application (col. 5, lines 35-42).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Angelo et al. in view of Rabanne et al. (US Pat. 6,084,517).

In reference to claim 2, although D'Angelo does not specifically disclose the claimed global positioning, he does disclose that the parent unit 22 and child unit 21 communicate with each other using radio frequency signals, but satellite data communication, cellular data telecommunication, modem communication, or any other wireless communication for transferring data over a communication network may be used (col. 6, lines 19-42). Rabanne discloses a parent unit 26 used for determining whether the child unit 22 is within a preselected range (col. 4, lines 50-58). The parent unit 26 includes a communication device 42 and the child unit 22 includes a communication device 30, each communication device may be digital devices 68 for sending digital signals. Global positioning devices 62 are employed to calculate global positions of the child unit 22 and the parent unit 26 (col. 5, lines 30-40). Since D'Angelo discloses a child monitoring system which includes a wireless communication system used for monitoring the proximity of the child unit in relation to the parent unit and that any wireless communication may be used, it would have been obvious to one of ordinary skill in the art to incorporate the use of global positioning, as disclosed by Rabanne, with the system of D'Angelo, as an alternative means for the communicating means to more precisely determine the relative position of the child with respect to the parent.

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8. The prior art of record and not relied upon is considered pertinent to applicant's disclosure as follows. Azizi et al. (US Pat. 5,525,967), Olmassakian (US Pat. 5,900,817), and Mohr (US Pat. 6,127,931), which are references that include devices used for monitoring the location of a person.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761.

The examiner can normally be reached on 4-5-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

Davetta W. Goins  
Art Unit 2632

  
D.W.G.  
May 3, 2002